



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200400254
Date: May 5, 2006
Comments Due: June 5, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Lent Ranch project, which would result in the placement of fill material into approximately 2.973 acres of waters of the United States, including wetlands, seasonal drainages, and drainage ditches. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANTS:

Robert H. and Lisa Lent
10550 West Stockton Blvd
Elk Grove, California 95757-9741

Martin Feletto
P.O. Box 19928
Sacramento, California 95819-0928

Elk Grove Town Center, L.P.,
A Delaware Limited Partnership
110 North Wacker Drive
Chicago, Illinois 60606-1511

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A California Limited Partnership
353 Sacramento Street, Floor 21
San Francisco, California 94111-3620

LOCATION: The 289-acre project site is located west of Highway 99, at the western terminus of Grant Line Road, and immediately north of Kammerer Road in Elk Grove. The site is further located within portions of Sections 18 and 13, Township 6 North, Ranges 5 and 6 East, Sacramento County, California, and can be seen on the Elk Grove and Galt USGS Topographic Quadrangles.

PROJECT DESCRIPTION: The applicant is proposing to construct a mixed-use, residential and commercial development. Based on the available information, the overall project purpose is to construct a regional mall and high density housing subdivision within the Elk Grove service area. The applicant believes there is a need to provide a regional mall, community commercial space, office, entertainment and visitor commercial uses, and 280 multi-family housing units near the City of Elk Grove. The applicant proposes to utilize a storm flow detention facility sited on an adjacent property. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 3.648 acres of seasonal wetlands, seasonal drainages and drainage ditches within the project area. The City of Elk Grove, as a separate project, is proposing to widen and enhance the Grant Line Interchange, which will result in the loss of 0.675 acre of wetlands on the Lent Ranch site. Impacts to these Waters of the United States within the interchange will be addressed through any permits issued to the City. The site is characterized as farmed hayland, containing a mix of oats and other hay grasses. Wetland vegetation within the project area occurs within the shallow depressions and ditches. The central east-west drainage feature has been hydrologically altered by the historic construction of a farm crossing and from offsite piping just west of the project site.

Alternatives. The applicant has provided information evaluating four onsite and five offsite alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to provide mitigation for impacts to 2.973 acres of wetlands through the purchase of 2.973 credits of seasonal wetland habitat at an agency-approved mitigation bank, or other approved mechanism.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Central Valley Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled Cultural Resources Assessment for the Lent Ranch General Plan Amendment and Rezone, Sacramento County, California), cultural resources not are within the project's area of potential effect.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate. The applicant has provided information that the project may impact habitat for vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*). Determinate-level surveys for vernal pool fairy shrimp and vernal pool tadpole shrimp have been in progress for both the wet and dry season of this year (2005/2006).

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400254, must be submitted to the office listed below on or before June 5, 2006:

Anna Sutton, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Anna.M.Sutton@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant's consultant Shannon Brown at ECRP Consulting, 916-782-9100 or the Corps' project manager Anna Sutton, 916-557-7759, Anna.M.Sutton@usace.army.mil.

Attachments: 2 drawings